

Bill No. SB 1604

Barcode 245698

CHAMBER ACTION

Senate

House

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Comm: RCS
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The Committee on Criminal Justice (Lynn) recommended the following **amendment to amendment** (963266):

Senate Amendment (with title amendment)

On page 23, between lines 14 and 15,

insert:

Section 3. Section 943.04354. Removal of the requirement to register as a sexual offender or sexual predator in special circumstances--

(1) For purposes of this section, a person shall only be considered for removal of the requirement to register as a sexual offender or sexual predator if the person:

(a) Was or will be convicted or adjudicated delinquent of a violation of s. 794.011 or s. 800.04, or the person committed a violation of s. 794.011 or s. 800.04 for which adjudication of guilt was or will be withheld, and the person does not have any other conviction, adjudication of delinquency, or withhold of adjudication of guilt for a violation of s. 794.011 or s. 800.04;

(b) Is required to register as a sexual offender or

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1 sexual predator solely on the basis of this violation; and

2 (c) Is not more than 4 years older than the victim of
3 this violation who was 14 years of age or older but not more
4 than 17 years of age at the time the person committed this
5 violation.

6 (2) If a person meets the criteria in subsection (1)
7 and the violation of s. 794.011 or s. 800.04 was committed on
8 or after July 1, 2007, the person may move the court that will
9 sentence or dispose of this violation to remove the
10 requirement that the person register as a sexual offender or
11 sexual predator. The person must allege in the motion that he
12 or she meets the criteria in subsection (1) and that removal
13 of the registration requirement will not conflict with federal
14 law. The state attorney must be given notice of the motion at
15 least 21 days before the date of sentencing or disposition of
16 this violation, and may present evidence in opposition to the
17 requested relief or may otherwise demonstrate why the motion
18 should be denied. At sentencing or disposition of this
19 violation, the court shall rule on this motion, and if the
20 court determines the person meets the criteria in subsection
21 (1) and the removal of the registration requirement will not
22 conflict with federal law, it may grant the motion and order
23 the removal of the registration requirement. If the court
24 denies the motion, the person is not authorized under this
25 section to petition for removal of the registration
26 requirement.

27 (3)(a) This subsection applies to a person who:

28 1. Is not a person described in subsection (2) because
29 the violation of s. 794.011 or s. 800.04 was not committed on
30 or after July 1, 2007;

31 2. Is subject to registration as a sexual offender or

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1 sexual predator for a violation of s. 794.011 or s. 800.04;

2 and

3 3. Meets the criteria in subsection (1).

4 (b) A person may petition the court in which the
5 sentence or disposition for the violation of s. 794.011 or s.
6 800.04 occurred for removal of the requirement to register as
7 a sexual offender or sexual predator. The person must allege
8 in the petition that he or she meets the criteria in
9 subsection (1) and removal of the registration requirement
10 will not conflict with federal law. The state attorney must be
11 given notice of the petition at least 21 days before the
12 hearing on the petition, and may present evidence in
13 opposition to the requested relief or may otherwise
14 demonstrate why the petition should be denied. The court shall
15 rule on the petition, and if the court determines the person
16 meets the criteria in subsection (1) and removal of the
17 registration requirement will not conflict with federal law,
18 it may grant the petition and order the removal of the
19 registration requirement. If the court denies the petition,
20 the person is not authorized under this section to file any
21 further petition for removal of the registration requirement.

22 (4) If a person provides to the Department of Law
23 Enforcement a certified copy of the court's order removing the
24 requirement that the person register as a sexual offender or
25 sexual predator for the violation of s. 794.011 or s. 800.04,
26 the registration requirement will not apply to the person and
27 the department shall remove all information about the person
28 from the public registry of sexual offenders and sexual
29 predators maintained by the department. However, the removal
30 of this information from the public registry does not mean
31 that the public is denied access to information about the

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1 person's criminal history or record that is otherwise
2 available as a public record.

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4 (Redesignate subsequent sections.)

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 56, line 31, after the semicolon

10
11 insert:

12 creating s. 943.04354, F.S.; allowing certain
13 sexual predators and sexual offenders to
14 petition for the removal of the registration
15 requirement; providing that a court may grant
16 the petition if certain criteria are met and
17 removal of the registration requirement will
18 not conflict with federal law;

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